

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TEVA PHARMACEUTICALS USA, INC., TEVA PHARMACEUTICAL INDUSTRIES LTD., TEVA NEUROSCIENCE, INC., and YEDA RESEARCH AND DEVELOPMENT CO., LTD.,	:	Civil Action No.: 15-472 (CCC)(MF)
<i>Plaintiffs,</i>		:
v.		:
SYNTHON PHARMACEUTICALS, INC., SYNTHON B.V., and SYNTHON S.R.O. BLANSKO,	:	
<i>Defendants.</i>		:

STIPULATION OF DISMISSAL AND ORDER

WHEREAS, Plaintiffs Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Teva Neuroscience, Inc., and Yeda Research and Development Co. Ltd. (collectively, “Teva”) filed a Complaint (D.I. 1) in the above-captioned action asserting, *inter alia*, that Defendants Synthon Pharmaceuticals Inc., Synthon B.V., and Synthon s.r.o. Blansko (collectively, “Defendants”) will infringe United States Patent No. 5,800,808 (the “’808 patent”) by manufacturing, marketing, selling, offering to sell, and/or importing into the United States a generic form of COPAXONE®, 20 mg/mL, 1 mL syringes described in Synthon Pharmaceuticals, Inc.’s ANDA No. 203857 (the “ANDA Product”) before the expiration of the ’808 patent;

WHEREAS, the ’808 patent will expire on September 1, 2015;

WHEREAS Defendants admit that this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a), but deny that venue is proper for any Defendant, and further deny that any Defendant is subject to personal jurisdiction in this Court;

WHEREAS Defendants do not contest venue or personal jurisdiction for the limited purpose of entering into this stipulation, and expressly reserve the right to contest venue and personal jurisdiction in any other case as to any party, including Plaintiffs;

WHEREAS, Defendants have represented that they will not offer the ANDA Product for sale in the United States wherein such sale will occur before the expiration of the '808 patent (hereinafter "offer to sell") and will not sell the ANDA Product in the United States before the expiration of the '808 patent;

WHEREAS, the correct name for Defendant Synthon s.r.o Blansko is Synthon s.r.o.; and Teva and Defendants, through their undersigned counsel, hereby stipulate as follows:

IT IS HEREBY STIPULATED AND AGREED that, subject to the approval of the Court:

1. As used herein, "expiration" refers to the expiration of the term of the '808 patent on September 1, 2015 or the invalidation of its claim(s) by a court of competent jurisdiction from which no appeal has or can be taken other than in a petition for writ of certiorari to the U.S. Supreme Court.
2. Defendants Synthon Pharmaceuticals, Inc., Synthon B.V., and Synthon s.r.o. shall not (a) offer to sell or sell in the United States the ANDA Product prior to expiration of the '808 patent, or (b) actively induce or assist any other person to offer to sell or sell in the United States the ANDA Product prior to the expiration of the '808 patent;
3. The Complaint against Defendants shall be dismissed without prejudice;
4. Each party shall bear its own costs, attorneys' fees, and expenses incurred in connection with the claims dismissed by this Order;
5. Neither party admits liability or the merits of the other party's positions;
6. The parties shall, no later than ten (10) business days after they sign this Stipulation

of Dismissal and Order, submit it to the Federal Trade Commission (“FTC”) and U.S. Department of Justice (“DOJ”) pursuant to Title XI, Subtitle B of the Access to Affordable Pharmaceuticals Act (the Medicare Prescription Drug Improvement Act of 2003, Pub. L. 108-173), as amended, and any other applicable law. This Stipulation of Dismissal and Order shall be subject to review by the FTC and DOJ, and any Order entered as a result hereof shall be vacated and shall become null and void in the event that the FTC and/or DOJ object to it, provided, however, that in such event, the parties will cooperate in good faith in an effort to resolve such objections; and

7. This Court shall retain jurisdiction for the limited purpose of enforcing this Stipulation and Order.

Dated: March 20, 2015

/s/ Mayra V. Tarantino
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Attorneys for Defendants Synthon Pharmaceuticals Inc., Synthon B.V., and Synthon s.r.o.

IT IS SO ORDERED.

Dated: *March 24, 2015*


Honorable Claire C. Cecchi, U.S.D.J.